

10/01/2020

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**  
Gemini Trust Company, LLC

**DEFENDANTS**  
Digital Currency Group, Inc. and Barry Silbert

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
John F. Baughman - JFB LEGAL, PLLC  
299 Broadway - Suite 1816  
New York, NY 10007 (212) 548-3212

**ATTORNEYS (IF KNOWN)**  
Jonathan D. Polkes - WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, NY 10153 (212) 310-8000

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiff alleges one count of fraud and one count of aiding and abetting fraud.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

**IS THIS AN INTERNATIONAL ARBITRATION CASE?**

No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

**NATURE OF SUIT**

		TORTS	ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM	
[ ] 130 MILLER ACT	LIAIBILITY	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 400 STATE	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	REAPPORTIONMENT	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	INJURY PRODUCT LIABILITY	<b>PROPERTY RIGHTS</b>		[ ] 410 ANTITRUST	
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 820 COPYRIGHTS	[ ] 880 DEFEND TRADE SECRETS ACT	[ ] 430 BANKS & BANKING	
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[X] 370 OTHER FRAUD	[ ] 830 PATENT	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 450 COMMERCE	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK		[ ] 460 DEPORTATION	
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY			<b>SOCIAL SECURITY</b>	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	<b>LABOR</b>	[ ] 861 HIA (1395ff)	[ ] 480 CONSUMER CREDIT	
[ ] 195 FRANCHISE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)	[ ] 485 TELEPHONE CONSUMER PROTECTION ACT	
	<b>ACTIONS UNDER STATUTES</b>	PRODUCT LIABILITY	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIWC/DIWV (405(g))	[ ] 490 CABLE/SATELLITE TV	
	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	[ ] 740 RAILWAY LABOR ACT	[ ] 864 SSID TITLE XVI	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 463 ALIEN DETAINEE	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS	
<b>REAL PROPERTY</b>		[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[ ] 790 OTHER LABOR LITIGATION	<b>FEDERAL TAX SUITS</b>	[ ] 891 AGRICULTURAL ACTS	
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 530 HABEAS CORPUS	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 893 ENVIRONMENTAL MATTERS	
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	[ ] 535 DEATH PENALTY		[ ] 871 IRS-THIRD PARTY	[ ] 895 FREEDOM OF INFORMATION ACT	
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 540 MANDAMUS & OTHER	26 USC 7609		[ ] 896 ARBITRATION	
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT				[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS	<b>IMMIGRATION</b>		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION	[ ] 555 PRISON CONDITION	[ ] 462 NATURALIZATION APPLICATION			
		[ ] 560 CIVIL DETAINEE	[ ] 465 OTHER IMMIGRATION ACTIONS			
		CONDITIONS OF CONFINEMENT				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ Not specified OTHER \_\_\_\_\_ JUDGE Lewis J. Liman DOCKET NUMBER 1:23-cv-02027

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input checked="" type="checkbox"/> a. all parties represented			<input type="checkbox"/> b. At least one party is pro se.			
<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)****DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)****DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:     WHITE PLAINS     MANHATTAN

/s/ Jonathan D. Polkes

DATE 8/4/2023

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED Mo. 04 Yr. 1989)  
Attorney Bar Code # JP4265

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)